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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
P.O. Box 1107  
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

## PERMIT

### DEVELOPMENT PERMIT DP 5000

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by James Babiarz & Anna Babiarz dba Tree of Life Maple Farm, LLC for Development Permit DP 5000, finds the following facts:

1. Applicant: James Babiarz & Anna Babiarz dba Tree of Life Maple Farm, LLC  
PO Box 295  
Jackman, Maine 04945
2. Date of Completed Application: June 28, 2016
3. Location of Proposal: Bald Mountain Twp., Somerset County  
Plan 01, Lot 1 (part of)
4. Zoning: (M-GN) General Development Subdistrict
5. Lot Size: 1 acre (leased)
6. Proposed Principal Building (Footprint):  
Maple Sugar Processing Building with 3 bedrooms (72 ft. by 40ft.)
7. Sewage Disposal:  
Proposed Subsurface Disposal System for Maple Sugar Processing Facility

### Background

- 8) On September 26, 2007, the land owner leased the first 1 acre area for a maple sugar processing facility. The Commission approved Development Permit DP 4811 for the construction of that facility.
- 9) On October 5, 2007, the land owner leased a second 1 acre area for a maple sugar processing facility. The Commission approved Development Permit DP 4812 for the construction of that facility.
- 10) On October 4, 2011, the Commission approved Subdivision Permit SP 4092 for the third lease during a five year period for a 1 acre area for a maple sugar processing facility. On July 16, 2012, the land owner leased the third 1 acre area for a maple sugar processing facility pursuant to the terms and conditions of SP 4092. The Commission approved Amendment A to Development Permit DP 4904 for the construction of that facility.



- 11) On June 21, 2016, the land owner leased the fourth 1 acre area for the proposed maple sugar processing facility.

### **Proposal**

- 12) The applicant proposes to construct a 72 ft by 40 ft. by 24 ft tall maple sugar processing facility with 3 bedrooms for living accommodations. The applicant proposes the use of a temporary movable storage trailer and installation of an above ground fuel oil tank. The applicant has submitted a copy of an application for a subsurface sewage disposal system for the facility, which when approved and installed will handle the facilities waste water.

### **Review Criteria**

- 13) Under provisions of Section 10.24,A,3,c(8) of the Commission's Land Use Districts and Standards maple sugar processing operations may be allowed in a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission.
- 14) Under provisions of Section 10.25,Q,1,g(2) of the Commission's Land Use Districts and Standards, a lot is not counted for the purposes of subdivision if it is retained by the person dividing the land, and for a period of at least 5 years:
- a) is retained and not sold, platted, leased, conveyed or further divided, except for transfer to an abutter, and
  - b) is used solely for agricultural or forest management activities and associated structures and development.
- 15) Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards commercial structures must be set back a minimum of at least 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.
- 16) The facts are otherwise as represented in the application for Development Permit DP 5000, and supporting documents.

### **Based upon the above Findings, the staff concludes that:**

1. Based on the facts as presented and Chapter 10 Sections 10.25,Q of the Commission's Land Use Districts and Standards, the creation of a fourth lease lot is a lawful land division that does not require a subdivision permit. The basis for this determination is the fact that: a) it has been more than 5 years since the last division that did not require a subdivision permit, b) the retained lot was not created by a subdivision, c) on September 27, 2012 the parent parcel was no longer considered a retained lot so creating an additional lease lot after that date would meet the minimum 5 years required by this Section, and d) the subject lease is now the first lease created in 5 years.
2. Based on the facts as presented and Chapter 10 Sections 10.24,A & 10.26 of the Commission's Land Use Districts and Standards the proposed maple sugar processing facility is an allowed use and meets all dimensional requirements.



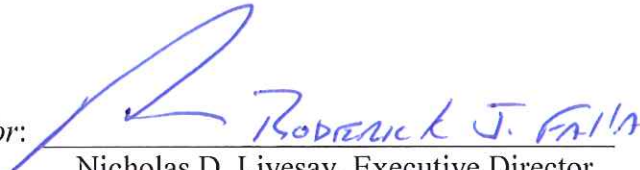
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of James Babiarz & Anna Babiarz dba Tree of Life Maple Farm, LLC with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. The leased lot and structures shall be used for commercial maple syrup production in a manner consistent with the terms and conditions of this permit and shall not be converted to another use, including but not limited to a residential dwelling, without prior approval from the Commission.
3. The proposed structure must be setback at least 100 feet from the streams, at least 25 feet from the property lines and at least 75 feet from the nearest road.
4. Construction debris must not be disposed of in a wetland. All construction debris must be disposed in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
5. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
6. The scenic character and healthful condition of the area covered by this permit must be maintained. The area must be kept clear of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
7. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
8. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts.
9. Issuance of this permit does not obviate the need for any other federal, state or local approvals.
10. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

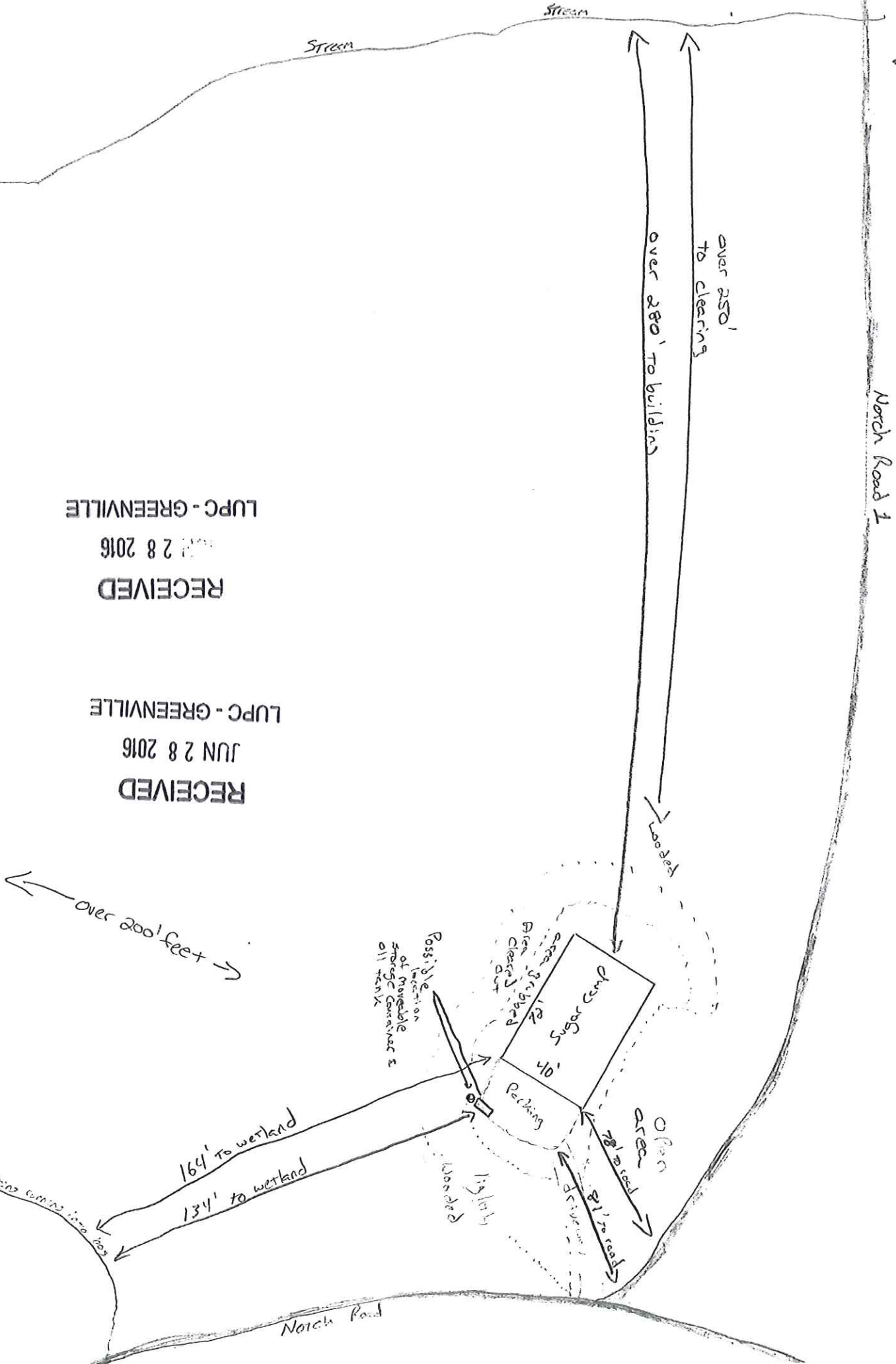
DONE AND DATED AT GREENVILLE, MAINE, THIS 29th DAY OF JUNE, 2016.

for:   
Nicholas D. Livesay, Executive Director

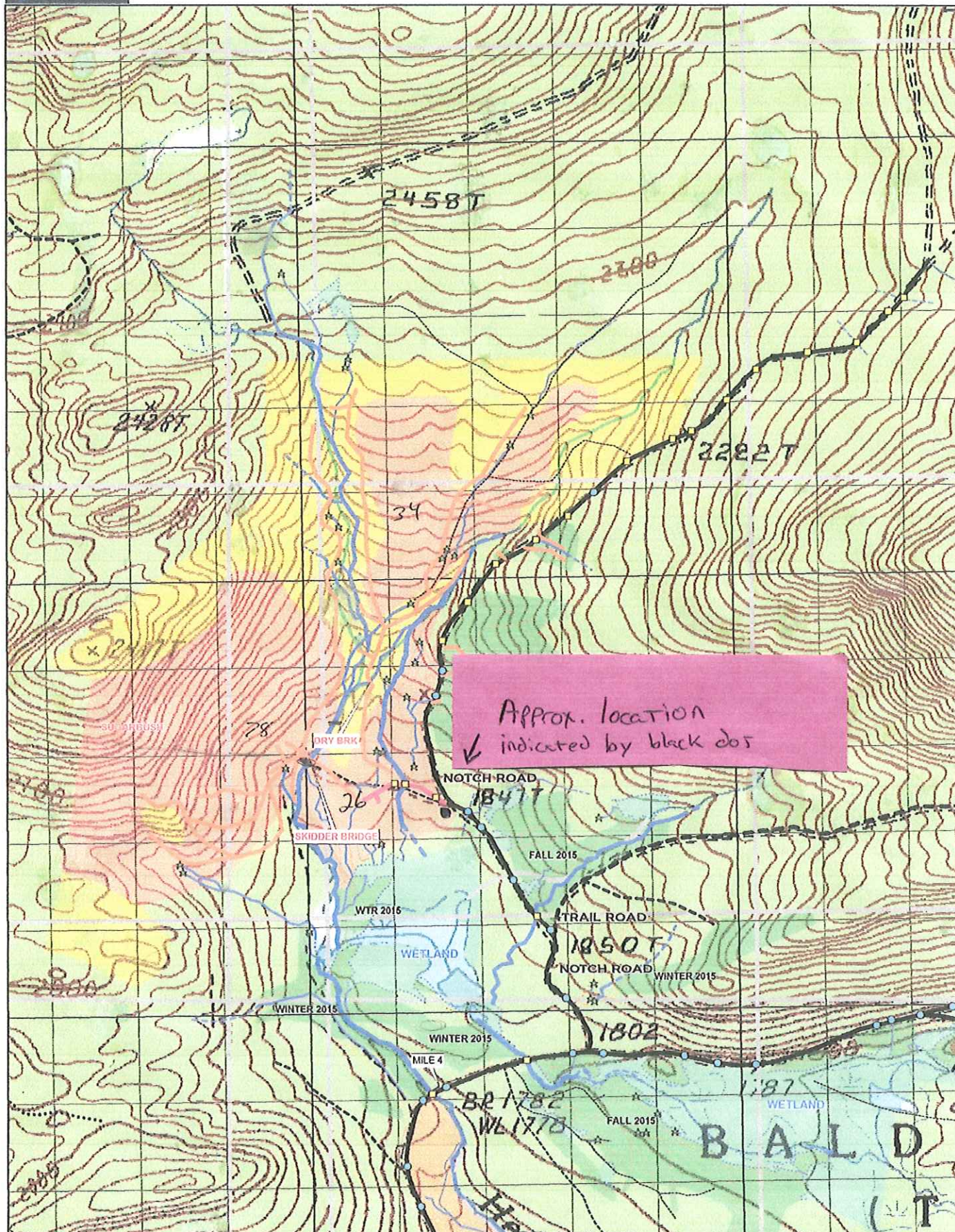
# Site Plan

North Road 1

All Structures over 1 mile to Pickering  
# 1 mile to Lake or Pond



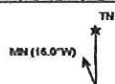




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Scale 1 : 12,000

